

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Crl.MC.No. 3786 of 2007()

CC.1375/2002 of JUDL.MAGISTRATE OF FIRST CLASS, PARAVUR
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PETITIONER: ACCUSED

K.C.RAJAN,
Q-FLAT NO.147, FACT TOWNSHIP,
UDYOGAMANDAL, ELOOR VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SMT.K.NANDINI

RESPONDENTS: COMPLAINANT/STATE

1. A.V.VELAYUDHAN,
Q-FLAT NO.96,
FACT TOWNSHIP, UDYOGAMANDAL,
ELOOR VILLAGE.
2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.3786 of 2007

Dated this the 19th day of December, 2007

O R D E R

The learned counsel for the petitioner submits that the petitioner has already paid an amount of Rs.87,000/- as per directions in the order dated 06.03.07 in Crl.R.P.969 of 2007 and the subsequent direction dated 03.10.07 in Crl.M.C.No.3043 of 2007. Only a balance amount of Rs.15,000/- remains to be paid. The petitioner could not pay the amount earlier. He is now willing to pay the said amount before the learned Magistrate.

2. The petitioner prays that directions may be issued to permit the petitioner to appear before the learned Magistrate and make the payment of the entire balance amount.

3. The petitioner does not need any permission of this Court now to appear before the learned Magistrate and pay the balance amount, whatever the balance amount be. The learned Magistrate must ensure that a total amount of Rs.1,02,000/- is paid by the petitioner including amounts if any paid already. If the petitioner pays that amount, then the petitioner will not be liable to undergo any default sentence and will be liable to

undergo only the substantive sentence of imprisonment till rising of court. The petitioner can appear before the learned Magistrate on any day and pay the balance amount and offer to undergo the substantive sentence of imprisonment till rising of court. If the entire amount of Rs.1,02,000/- is paid, thereafter there can be no question of the petitioner undergoing any default sentence. The position has been made crystal clear in **Girish v. Muthoot Capital Service (P) Ltd.** [2007(1) KLT 16)]. No further directions appear to be necessary.

4. This Crl.M.C is accordingly dismissed, but with the above observations.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-

